

"Express Mail" mailing label number	EL 832952027 US
Date of Deposit	August 22, 2001
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Olga M. Franz	Olga M. Franz
Printed Name	Signature

**REISSUE PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of	)	
U.S. Patent No. 5,945,416	)	
Applicants: Shannon, et al.	)	Group Art Unit: Unassigned
Application No.: Unassigned	)	Examiner: Unassigned
Filed: August 22, 2001	)	
For: METHOD FOR TREATING PAIN	)	
Docket No.: X-10576A	)	

**REISSUE DECLARATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which United States Patent No. 5,945,416 was granted on the invention entitled

**Method for Treating Pain**

the specification of which:

[ ] is attached hereto  
[X] was filed on March 24, 1997 as United States Application  
Serial No. 08/823,461

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whereof Eli Lilly and Company, on whose behalf and with whose assent this application is made, is now sole owner by assignment, and for which invention I solicit a reissue patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, and further including the new claims 45 through 91 which are being added by preliminary amendment submitted with the reissue application.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in 37 C.F.R. § 1.56.

I believe United States Letters Patent No. 5,945,416 may be at least partly inoperative for the reason that I claimed less than I had the right to claim in the patent.

New claims 45 to 69 define certain pharmaceutical compositions *per se*. I believe it was error to omit a set of claims defining these pharmaceutical compositions.

New claims 70 to 91 define certain pharmaceutical compositions in unit dose form. I believe it was error to omit a set of claims defining these pharmaceutical compositions in unit dose form.

I state that all errors being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on my part.

Since this reissue application is being filed within two years of the issue date of United States Letters Patent No. 5,945,416, broader claims than those in the issued patent are permissible.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Sole or

First Joint Inventor : Harlan Edgar Shannon

Inventor's Signature : Harlan Edgar Shannon Date: 21 August, 2001

Residence Address : 4229 Rolling Springs Drive  
Carmel, Indiana 46033

Post Office Address : SAME AS ABOVE

Citizenship : U.S.A.

Full Name of Second

Joint Inventor, if Any : Daniel Edward Womer

Inventor's Signature :

*Daniel Edward Womer*

Date: 17 Aug 2001

Residence Address :

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Thornton, Colorado 80241

Post Office Address :

SAME AS ABOVE

Citizenship :

U.S.A.

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Olga Sm Franz Printed Name Olga Sm Franz Signature

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For: METHOD FOR TREATING PAIN	)	
Docket No.: X-10576A	)	

**OFFER TO SURRENDER ORIGINAL LETTERS PATENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Eli Lilly and Company, the sole owner of the entire right, title, and interest in U.S. Patent No. 5,945,416, by virtue of the Assignment recorded in the U.S. Patent and Trademark Office at Reel 10016, Frame 0148, hereby offers to surrender United States Letters Patent No. 5,945,416 conditional upon the Reissue of said Letters Patent.

Respectfully submitted,

ELI LILLY AND COMPANY

By Robert A. Armitage  
Robert A. Armitage  
Vice President and General Patent Counsel

August 20, 2001  
Date

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"022280" ETSES660

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Olga M Franz Printed Name Olga M Franz Signature

**REISSUE PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of	)	
U.S. Patent No. 5,945,416	)	
Applicants: Shannon, et al.	)	Group Art Unit: Unassigned
Application No.: Unassigned	)	Examiner: Unassigned
Filed: August 22, 2001	)	
For: METHOD FOR TREATING PAIN	)	
Docket No.: X-10576A	)	

**CONSENT OF ASSIGNEE OF ENTIRE INTEREST FOR**  
**REISSUE APPLICATION**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

Eli Lilly and Company, a corporation of Indiana, as assignee of the entire right, title, and interest in and to United States Letters Patent No. 5,945,416 by virtue of an assignment recorded in the United States Patent and Trademark Office under date of June 11, 1999, on Reel 10016, at Frame 0148, hereby consents to the filing of accompanying application for reissue of United States Letters Patent No. 5,945,416.

Respectfully submitted,

ELI LILLY AND COMPANY

By Robert A Armitage  
Robert A. Armitage  
Vice President and General Patent Counsel

August 20, 2001  
Date

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Olga Sm Franz	Olga Sm Franz
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**REISSUE PATENT APPLICATION**  
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Docket No.: X-10576A	)	

**POWER OF ATTORNEY**  
**BY ASSIGNEE OF ENTIRE INTEREST**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

As Assignee of the entire interest in the above-identified application, Eli Lilly and Company, the sole owner of the entire right, title, and interest in U.S. Patent No. 5,945,416, by virtue of the Assignment recorded in the U.S. Patent and Trademark Office at Reel 10016, Frame 0148, hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

<u>Attorney</u>	<u>Reg. No.</u>	<u>Attorney</u>	<u>Reg. No.</u>
Arvie J. Anderson	45,263	Donald L. Corneglio	30,741
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Robert C. Tucker	45,165
Tina M. Tucker	47,145
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Gilbert T. Voy	43,972
Thomas D. Webster	39,872
Lawrence T. Welch	29,487
Alexander Wilson	45,782
Dan L. Wood	P48,613

said Robert A. Armitage and Douglas K. Norman to have in addition the power to revoke the power granted to all others listed above.

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Indianapolis, Indiana 46285

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Respectfully submitted,

ELI LILLY AND COMPANY

By Robert A. Armitage

Robert A. Armitage  
Vice President and General Patent Counsel

August 20, 2001  
Date